

**MINUTES OF THE  
CITY PLANNING COMMISSION  
FEBRUARY 3, 2006  
J. MARTIN GRIESEL CONFERENCE ROOM  
TWO CENTENNIAL PLAZA – SUITE 700  
805 CENTRAL AVENUE**

**CALL TO ORDER**

Mr. Faux called the meeting to order at 9:12 a.m.

**Commission Members:**

***Present:*** Caleb Faux, James Tarbell, David Rager and Jacqueline McCray

***Members Absent:*** Terry Hankner, Donald Mooney

**Community Development and Planning Staff:** Margaret Wuerstle, Renee Christon, Denise Faris, Felix Bere, Adrienne Cowden, Skip Forwood, and Caroline Kellam.

**Law Department:**

Julia Carney

**APPROVAL OF MINUTES**

Submission of the minutes from the January 20, 2006 Planning Commission meeting for approval.

**Motion:** Ms. McCray motioned approval of minutes.  
**Second:** Mr. Rager  
**Ayes:** Mr. Faux, Ms. McCray, Mr. Rager and Mr. Tarbell  
**Nays:** None, **motion carried**

**CONSENT ITEMS**

**ITEM #1** A report and recommendation on an ordinance authorizing the sale of Cloister Street east of Marmet Avenue, which real property is no longer needed for any municipal purposes, to the Zoological society of Cincinnati.

**ITEM #2** A report and recommendation on an ordinance authorizing the grant of a permanent easement in Vaughn Street to Corryville Community Development Corporation for a driveway, wall, soffits and downspout lines, which interest is not needed for any municipal purpose.

**ITEM #3** A report and recommendation authorizing the lease of Gamble Junior High property with CPS.

**Motion:** Mr. Rager moved approval of Consent Items #1-3.  
**Second:** Ms. McCray  
**Ayes:** Mr. Faux, Ms. McCray, Mr. Rager and Mr. Tarbell  
**Nays:** None, **motion carried**

## **DISCUSSION ITEMS**

**ITEM #4** A report and recommendation on text revisions to Chapter §1427 (Sign Regulations) of the City of Cincinnati Zoning Code.

***Due to time constraints the Planning Commissioners agreed to hold this Item until the next Planning Commission meeting to be held on February 17, 2006.***

**ITEM #5** Proposed Zoning Text Amendment for §1425-19A: Off Street Parking and Loading Requirement.

### **PURPOSE:**

To obtain input and direction from the Planning Commission on zoning text as it relates to the 2000 square foot parking exemption for commercial uses.

### **PROPOSED TEXT AMENDMENT:**

#### **Schedule 1425-19-A: Off-Street Parking and Loading Requirements**

Use Classifications	Required Parking (Sq. Ft. of Floor Area)	Loading User Group
<b>Residential Uses</b>		
Bed and breakfast home	2 for every dwelling, plus 1 for every guest room	
Child day care home	No additional spaces required	
Group residential	1 for every 2 residents	
Permanent residential		
Single-family		
SF-4, SF-6, SF-10, SF-20	2 for every unit	
SF-2, RM, O, C, M, RF-R and IR	1 for every unit	
Attached single-family	1 for every unit	
Rowhouse single-family	1 for every unit	
Two-family	1 for every unit	
Multi-family		
RM2.0, RM1.2, OL	1.5 for every unit	
RM0.7, OG, C, M, RF-R and IR	1 for every unit	
Residential care facilities		
Assisted living	1 for every 4 residents	
Developmental disability dwelling	1 for every 4 residents	
Nursing home	1 for every 4 residents	
Special assistance shelters	1 for every 3 employees plus 1 for every facility vehicle	

Transitional housing	1 for every facility plus 1 for every 8 beds	
<b>Public and Semi Public Uses</b>		
Cemeteries	None	
Day care center	2 for every facility, plus 1 for every 8 clients	
Clubs and lodges	1 for every 100 sq. ft.	3
Colleges, public or private	1 for every 3 auditorium seats plus 1 for every 5 classroom seats	3
Community service facilities	1 for every 100 sq. ft.	
Cultural institutions	1 for every 500 sq. ft. or 1 for every 8 seats, whichever is greater	3
Government facilities and offices		
Facilities and installations	1 for every 1,000 sq. ft.	1
Correctional institutions	1 for every 20 beds	1
Offices	1 for every 750 sq. ft.	1
Hospitals	1 for every bed	3
Parks and recreation facilities	1 for every 100 sq. ft. of indoor area	
Public maintenance facilities	1 for every 1,000 sq. ft.	
Public safety facilities	1 for every 250 sq. ft.	
Religious assembly	1 for every 30 sq. ft. in principal assembly area	
School, public or private	High School: 1 for every 10 classroom seats	3
	Elementary School: 1 for every 30 classroom seats	3
<b>Commercial Uses</b>		
<b>**1**</b> <u>First 2,000 square feet of floor area</u>	Exempt -No spaces required	
<b>**2**</b> <u>Any floor area in excess of 2,000 square feet</u>	As required below	
Ambulance services	1 for every 250 sq. ft.	
Animal services	1 for every 400 sq. ft.	
Banks and financial institutions	1 for every 200 sq. ft. of first floor area, plus 1 for every 250 sq. ft. of other floor area	2
Bed and breakfast inns	1 for every facility plus 1 for every guest room	
Building materials and services	1 for every 400 sq. ft.	4
Building maintenance services	1 for every 400 sq. ft.	
Business services	1 for every 250 sq. ft.	
Commercial meeting facility	1 for every 50 sq. ft.	3

Eating and drinking establishments		
Drinking establishments	1 for every 150 sq. ft.	
Restaurants, full service	1 for every 150 sq. ft.	
Restaurants, limited service	1 for every 150 sq. ft.	
Food markets	1 for every 150 sq. ft. where it exceeds 2,000 sq. ft.	1
Food preparation	1 for every 750 sq. ft.	
Funeral and interment services	1 for every 50 sq. ft. used for assembly	
Garden supply stores and nurseries	1 for every 400 sq. ft.	
Hotels and commercial lodging	1 for every guest room	3
Loft dwelling units	1 for every unit	
Laboratories, commercial	1 for every 250 sq. ft.	
Maintenance and repair services	1 for every 400 sq. ft.	
Medical services and clinics	1 for every 150 sq. ft.	
Offices	1 for every 400 sq. ft.	2
Personal services	1 for every 250 sq. ft.	
Personal instructional services	1 for every 250 sq. ft.	
Recreation and entertainment		
Indoor and small scale		
Bingo parlors, fitness centers, gymnasiums	1 for every 50 sq. ft.	
Billiard parlors, poolrooms, amusement arcades, handball, racquetball or tennis club facilities, ice or roller skating rinks, miniature golf courses	1 for every 250 sq. ft.	
Movie theater (three or less screens)	1 for every 5 seats	
Bowling centers	5 for every bowling lane	
Outdoor or large scale		
Sports stadiums and arenas, movie theaters (4 or more screens), racetracks	1 for every 5 seats	
Amusement and theme parks, driving ranges, swimming or wave pools, entertainment complexes, drive-in theaters, archery or shooting ranges, riding stables, campgrounds	1 for every 1,000 sq. ft.	
Retail sales	1 for every 250 sq. ft.	1
Sexually oriented business	1 for every 250 sq. ft.	
Vehicle and equipment services		
Vehicle and equipment sales and rental	1 for every 400 sq. ft. of office sales or rental area	
Car wash	See § 1419-11	
Fuel sales	None	

Vehicle repair	2 for every service bay or 1 for every 250 sq. ft., whichever is greater	
Automobile holding facilities	None	
<b>Industrial Uses</b>		
Production industry	1 for every 1,000 sq. ft.	4
Research and development	1 for every 750 sq. ft.	2
Warehousing and storage		
Contractor's storage	1 for every 1,000 sq. ft.	
Indoor storage	4 spaces	
Waste management	1 for every 1,000 sq. ft.	
Wholesaling and distribution	1 for every 1,000 sq. ft.	4
<b>Transportation, Communication and Utilities Uses</b>		
Communications facilities	1 for every 600 sq. ft. plus 1 for every 3 auditorium seats	2
Public utility distribution system	1 for every 1,000 sq. ft.	
Public utility maintenance yard	1 for every 1,000 sq. ft.	
Public utility plant	1 for every 1,000 sq. ft.	
Transportation facilities		
Airports	1 for every 250 sq. ft of terminal building	1
Heliports	None	
Railroad train yards	None	
Railroad right-of-way	None	
Transportation passenger terminals	1 for every 2,000 sq. ft.	
Truck terminal and warehouse	0--100,000 sq. ft: 1 for every 2,000 feet	4
	Over 100,000: 1 for every 4,000 sq. ft. over 100,000 sq. ft.	4
Watercraft and riverfront facilities		
Barge terminals	1 for every 2,000 sq. ft.	
Boat and ship yards	1 for every 2,000 sq. ft.	
Commercial piers and ports	1 for every 2,000 sq. ft.	
Marinas	1 for every two berths	
Marine sales and services	1 for every 400 sq. ft.	
<b>Agriculture and Extractive Uses</b>		
Farming	1 for every site	
Mining and quarrying	1 for every 1,000 sq. ft.	

*New language underscored. Language that has been deleted is indicated by an asterisk as follows.*

**\*\*1\*\*** - “Under”

**\*\*2\*\*** - 2,000 square feet of floor area or more

**JUSTIFICATION:**

On December 12, 2005 City Council indefinitely postponed the zoning text amendment Ordinances for §1425-03 Requirements for Off-Street Parking and Loading and §1425-19 Off-Street Parking and Loading Requirements. The Planning Commission previously recommended these amendments. The City Council directed staff to draft new text amendments that clearly state that the 2000 square foot exemption from the parking requirements is for the first 2000 square feet of all commercial uses as stated in the original motion passed by City Council on January 14, 2004.

**DISCUSSION:**

Mr. Faux stated that the intent of the exemption was to make it possible for smaller buildings to be re-used. Projects in buildings larger than 2000 square feet can create a burden on a neighborhood.

Mr. Rager pointed out that under the scenario previously recommended by the Commission, a bar, for instance, with less than 2000 square feet would not be required to provide off street parking. However, a 2050 square foot bar would have to provide parking based on the total 2050 square feet. He questioned why a 2000 square foot bar would have no impact but a 2050 square foot bar would create impacts.

Ms. McCray wanted to know how staff came up with the 2000 square foot number and if that number was based on a survey. Julia Carney responded that she was not aware of any such research.

Mr. Tarbell recommended that the Commission hold this item to the next meeting.

Ms. McCray then recommended that staff research parking standards so that the Commission would have a basis for their recommendation.

Carl Ubelacker stated that the 2000 square foot cutoff was a carryover from the old Zoning Code. He stated that he had another concern. He felt that the first 2000 square feet of floor area should be exempted for existing buildings and that new construction should not be exempted from any parking requirements.

Mr. Faux raised the question about how that standard would be applied to an expansion or addition to an existing building. Carl Ubelacker felt that expansions or additions should be required to meet the parking requirements.

***The Planning Commissioners agreed to hold this item until further background research was presented by the staff.***

**ITEM #6** Proposed Zoning Text Amendment for §1447-09 Expansion of Nonconforming Uses.

*Margaret Wuerstle, Chief City Planner, presented this report*

**PURPOSE:**

To obtain input and direction from the Planning Commission on zoning text as it relates to the expansion of two-family structures in single-family districts.

## **PROPOSED TEXT AMENDMENT:**

### **§ 1447-09. Expansion of Nonconforming Use.**

On application to the Zoning Hearing Examiner pursuant to the procedures and standards established in this chapter, a nonconforming use may be expanded subject to the standards as follows:

(a) A nonconforming use may be expanded through the entire building, however, expansion of the existing building is prohibited, except as otherwise provided for two-family structures.

(b) A two-family structure in a single family residential district that was legally established as of February 13, 2004 or for which a building permit had been issued as of February 13, 2004, may be expanded or enlarged within the requirements of the district in which the structure is located, provided there is no increase in the number of dwelling units. The Zoning Hearing Examiner may grant a variance for a proposed expansion or enlargement that does not meet the district requirements pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses in addition to the standards enumerated in this chapter.

(c) The expansion of the nonconforming uses of land without buildings may not exceed, in all, 50% of the area devoted to the existing nonconforming use of land. Provided further that expansion of a nonconforming use is limited to expansion on the lot currently occupied by the use and may not extend beyond a district boundary line into a more restrictive district.

## **JUSTIFICATION:**

At the November 4, 2005 meeting of the City Planning Commission (CPC), staff was directed to prepare a zoning text amendment that would allow two-family structures located in single family zoning districts to be upgraded and expanded provided that no new units are created. A public staff meeting was held on November 29, 2005 to discuss this issue and obtain input from interested parties. No one attended the public staff conference.

The proposed amendment addresses the issues presented to the CPC at the November 4, 2005 meeting by the Mt. Adams neighborhood representatives.

## **Discussion:**

Mr. David Zimmerman spoke about the issue and presented a photograph of a residential home on Carney Street that was unable to build a garage. He was in favor of the Commission approving this text amendment.

<b>Motion:</b>	Ms. McCray moved approval of Item #6.
<b>Second:</b>	Mr. Rager
<b>Ayes:</b>	Mr. Rager, Mr. Tarbell, Mr. Faux, Ms. McCray
<b>Nays:</b>	None, <b>motion carried</b>

## **OTHER BUSINESS**

**ITEM #7**      Hamilton County Partnership Appointments

Ms. Wuerstle asked Mr. Tarbell if he knew whether Councilmember Chris Bortz or Councilmember Jeff Berding desired to be appointed to the Hamilton County Planning Partnership (HCPP). Mr. Tarbell said that at this time it was his desire to remain on the HCPP but that he was not sure about Mr. Bortz or Mr. Berding. Ms. Wuerstle explained that the 2005 appointed individuals were Mr. Paddock, Mr. Tarbell, Ms. Holston, Ms. Wuerstle and as an alternate Katherine Keough-Jurs. All needed to be reappointed and Mr. Paddock's vacancy needed to be filled. Mr. Tarbell asked if one of the positions could be filled by another City Councilmember. Ms. Wuerstle responded that she would have to check with Hamilton County. A member of Mr. Bortz's staff was present and indicated that Mr. Bortz was interested in being appointed to the position.

Mr. Faux stated that they would appoint Mr. Bortz to replace Mr. Paddock contingent on the response obtained from Hamilton County by Ms. Wuerstle.

<b>Motion:</b>	Ms. McCray moved approval of the appointment of Mr. Bortz to the vacant position and the re-appointment of Ms. Wuerstle, Mr. Tarbell and Ms. Holston as well as the re-appointment of Katherine Keough-Jurs as the alternate.
<b>Second:</b>	Mr. Rager
<b>Ayes:</b>	Mr. Rager, Mr. Tarbell, Ms. McCray, Mr. Faux
<b>Nays:</b>	None, <b>motion carried</b>

#### **OTHER BUSINESS: Regulations in Respect to Outdoor Drinking Establishments**

**Discussion:** Mr. Faux stated that this issue had been discussed previously in great length by the Commission and that it was going before Council's Committee on Monday, February 6, 2006. He also wanted to clarify that the text amendment language stated that outdoor entertainment is permitted in outdoor drinking areas in commercial districts anywhere in the City except within 150 feet of a residential district boundary line. Also, the amendment should state that outdoor areas within 150 feet of a residential district boundary line could apply for a conditional use to allow entertainment.

Ms. Wuerstle and Ms. Carney both confirmed that they understood that the amendment was written so that within the 150-foot ban, there was no outdoor entertainment permitted at all and a conditional use could not be requested.

Mr. Ubelacker spoke to the Planning Commission regarding this issue and explained that the previous code prohibited outdoor eating and drinking areas. He then stated that the code was changed to permit them but with conditions. He stated that the existing code now prohibits outdoor drinking areas. He felt that we should permit the outdoor drinking areas, but with restrictions to protect the residential environments.

Mr. Ubelacker said that he was not against outdoor eating and drinking establishments, as they are very successful in Hyde Park Square. However, under the verbiage of the current amendment, every bar, every restaurant and every fast food establishment has the right to outdoor entertainment as long as they are 151-feet or more away from a residential district boundary line. He felt that would have a huge impact not only in Hyde Park, but also all over the City.

Mr. Ubelacker added that he lives two and a half blocks from a nightclub establishment. Live bands that are inside the establishment can be heard over traffic noise. This creates a problem and the 150-foot boundary is meaningless when you are considering sound waves.



Mr. Faux then stated that perhaps this issue should be dealt with through the noise ordinance instead of the zoning code. Mr. Faux then asked Ms. Wuerstle to clarify the language of the current ordinance. Ms. Wuerstle stated that the only items that can be granted a conditional use are: areas greater than 25% of the indoor area, outdoor areas closer than 150-feet to a residential district boundary and extended hours of operation.

Mr. Faux reiterated to Ms. Wuerstle that there were no restrictions outside of the 150-foot boundary and she agreed.

Mr. Ubelacker stated that he felt that this language would not serve the communities and that each issue should be examined on a site-specific basis through public hearings.

Mr. Faux stated that he wanted to clarify this issue before he attended the Economic Development Committee meeting on Monday, February 06, 2006. He then explained that there were two ways that this issue could be addressed: 1.) Outdoor entertainment would be permitted anywhere beyond the 150-foot boundary or 2.) All outdoor entertainment would be required to obtain a conditional use approval. Mr. Faux then agreed that noise can carry farther than 150 feet but he did not want to propose that every business obtain a conditional use approval for outdoor entertainment.

Mr. Tarbell stated that there has always been a noise ordinance. Mr. Faux stated that the complaint with the noise ordinance is that there is usually a problem with the police department enforcing it. Mr. Rager explained that the problem with the police response to noise complaints is that the police are often times involved with other more important issues within the city.

Mr. Faux confirmed with Ms. Wuerstle that there were restricted hours of operation written in the ordinance. Ms. Wuerstle stated that there were restricted hours but that businesses can apply for a conditional use to extend those hours.

Mr. Faux stated that he felt that the 150 foot restriction for outdoor entertainment was too short of a distance. However, he felt that this issue should not be changed at this point because it was being heard by the Economic Development Committee on Monday, February 6, 2006. Mr. Tarbell agreed that the Commission should wait until the Economic Developing Committee sends it back to the Planning Commission. At that time, it would be appropriate to make changes to the proposed text.

Mr. Faux then stated that they had acted on Item #6 and that Items #4 and #5 would be discussed at the next meeting to be held on February 17, 2006.

## ADJOURN

<b>Motion:</b>	Mr. Rager moved to Adjourn
<b>Second:</b>	Ms. McCray
<b>Ayes:</b>	Mr. Rager, Mr. Tarbell, Ms. McCray and Mr. Faux
<b>Nays:</b>	None, <b>motion carried</b>

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Margaret A. Wuerstle, AICP  
Chief Planner

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Caleb Faux, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_

